REMARKS

In accordance with one aspect of the present invention, the number of successive error packets (X) and the number of successive error free packets (Y) are counted. Whether to perform error handling, e.g. whether to update reference information, is determined based on a relative relationship between X and Y. This is discussed in the Specification, for example, in paragraphs [0048] to [0053]. More specifically, in an exemplary embodiment, the number of error packets (R) is accumulatively counted in order to determine whether to perform error handling based on a relative relationship between R and the number of previously received packets (W). This is disclosed in the Specification, for example, in paragraphs [0063] and [0064]. In other words, the determination as to whether to perform error handling depends on the number of error free packets even if a considerable number of error packets are generated.

Independent claim 1 comprises, *inter alia*, a counter/storage for counting the number of errors detected by an error detector and storing a relationship between the number of error packets and the number of error free packets. Claim 1 further comprises an update request unit for transmitting, to a transmitting side, an update request for requesting update of reference information, when determining, based on the relationship of the packet number stored by the counter/storage, that the reference information stored in a reference information manager should be updated.

Similarly, each of independent claims 4, 7 and 10 require, *inter alia*, counting/storing step of counting the number of errors detected in an error detecting step and storing a relationship between the number of error packets and the number of error free packets. Furthermore, each of independent claims 4, 7 and 10 additionally require an update requesting step of transmitting, to a transmitting side, an update request for requesting update of reference information, when determining, based on the relationship of the packet number stored in the counting/storing step, that the stored reference information should be updated.

2

It is respectfully submitted that neither the Applicants' Admitted Prior Art (AAPR) nor Strawczynski et al. USPN 6,148,422 (Strawczynski), either singly or in combination, teaches the above-identified limitations.

An apparatus disclosed in Strawczynski has a counter 452 (FIG. 4B). As illustrated in FIG. 5C and discussed in column 9, lines 6 to 46 of Strawczynski, the counter 452 is incremented by 1 (step 546) if there are errors in FEC protected data (YES at step 542). Even when there is no error in the FEC protected data, the counter 452 is incremented by 1 if the flag bit is "1" ("1" at step 544). On the other hand, the counter 452 is reset to 0 (step 550) if there is no error in the FEC protected data and the flag bit is "0" ("0" at step 544).

Determining whether there is an error in the FEC protected data can be considered the same as determining whether there is an error in the data packet. The flag bit is attached to the end of a data packet for indicating a CRC error in the previous link and a status of stream data loss. Determining whether the flag bit is "1" or "0" can be considered the same as determining whether there is an error in the data packet. As described above, in steps 542, 544, 546, and 550 shown in FIG. 5C of Strawczynski, the number of successive error packets is merely counted by incrementing the counter if there are errors in the data packet and resetting the counter to "0" if there is no error in the data packet. Strawczynski does not teach or suggest that the number of previously received packets is stored. Accordingly, it would be incorrect to construe that the flag bit of "1" and the flag bit of "0" correspond to values X and Y, respectively, of the present invention.

In Strawczynski, the number of successive error packets, which is counted at step 546, is compared with a predetermined threshold value (six is taken as an example in one embodiment) in order to determine whether to perform error handling (step 548). That is, in Strawczynski, whether to perform error handling is determined based only on a relationship between the number of successive error packets and the predetermined threshold value, irrespective of the number of error free packets.

3

Accordingly, unlike in the present invention, in Strawczynski, it is impossible to control error handling such that it is not performed in the case where a considerable number of error packets (for example, more than six error packets) are successively generated but are followed by a predetermined number of successive error free packets exceeding the number of error packets. Further, unlike in the present invention, in Strawczynski, it is impossible to control error handling such that it is not performed in the case where a considerable number of error packets (for example, six or more error packets) are generated but there are a predetermined number of previously received packets exceeding the number of error packets.

Because neither the AAPR nor Strawczynski teaches or suggests: a counter/storage for counting the number of errors detected by an error detector and storing a relationship between the number of error packets and the number of error free packets or an update request unit for transmitting, to a transmitting side, an update request for requesting update of reference information, when determining, based on the relationship of the packet number stored by the counter/storage, that the reference information stored in a reference information manager should be updated, as required in independent claim 1; or a counting/storing step of counting the number of errors detected in an error detecting step and storing a relationship between the number of error packets and the number of error free packets or an update requesting step of transmitting, to a transmitting side, an update request for requesting update of reference information, when determining, based on the relationship of the packet number stored in the counting/storing step, that the stored reference information should be updated, as required in each of independent claims 4, 7 and 10, it is respectfully submitted that a combination of the AAPR in view Strawczynski additionally fails to teach that which is required in independent claims 1, 4, 7 and 10.

As claims 2, 3, 5, 6, 8, 9, 11 and 12 are dependent upon claims 1, 4, 7 and 10, respectively, it is additionally respectfully submitted that claims 2, 3, 5, 6, 8, 9, 11 and 12 are patentable over a combination of the AAPR in view of Strawczynski within the meaning of 35 U.S.C. § 103.

4

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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March 23, 2004

5